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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**
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17 IN RE: COUNTRYWIDE FINANCIAL
CORP. MORTGAGE-BACKED
18 SECURITIES LITIGATION

Case No. 11-ML-02265-MRP (MANx)

19 THRIVENT FINANCIAL FOR
20 LUTHERANS, et. al.,

Case No. 11-CV-7154-MRP (MANx)

21 Plaintiffs,

**DAVID SAMBOL'S REQUEST
FOR JUDICIAL NOTICE IN
SUPPORT OF MOTION TO
DISMISS THE AMENDED
COMPLAINT**

22 v.

23 COUNTRYWIDE FINANCIAL
CORPORATION, et al.,

24 Defendants.
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Date: May 17, 2012
Time: 11:00 a.m.
Courtroom: 12
Judge: Hon. Mariana R. Pfaelzer

1 Defendant David Sambol respectfully requests that the Court take judicial
 2 notice, pursuant to Federal Rule of Evidence 201,¹ of the document referenced
 3 below in connection with his Motion to Dismiss the Amended Complaint.

4 1. A redline, submitted by plaintiffs to the Court by letter dated March
 5 14, 2012, comparing the Complaint dated March 28, 2011 to the Amended
 6 Complaint dated March 9, 2012. A true and correct copy of the redline comparison
 7 is attached hereto as Exhibit A.

8 Judicial notice of a redline comparing an amended complaint to the original
 9 complaint is appropriate. *See, e.g., Lyons v. Coxcom, Inc.*, 718 F. Supp. 2d 1232,
 10 1237 (S.D. Cal. 2009) (“Defendant also requests the Court take judicial notice of
 11 the FAC and a red-line edit comparing Plaintiff’s original complaint. The Court
 12 takes judicial notice of these documents, as a Court [may] take judicial notice of
 13 court filings.”); *Lee v. Am. Airlines*, 2007 WL 2212907, at *2 (N.D. Cal. July 31,
 14 2007) (granting request for judicial notice of redline submitted in support of motion
 15 to dismiss). Moreover, documents that are “readily verifiable” are “the proper
 16 subject of judicial notice.” *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d
 17 741, 746 n.6 (9th Cir. 2006). Exhibit A is capable of accurate and ready
 18 determination whose authenticity cannot be questioned, and therefore the proper
 19 subject of judicial notice.

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 27 ¹ Federal Rule of Evidence 201 provides for judicial notice of a fact “not subject
 28 to reasonable dispute because it: (1) is generally known within the trial court’s
 territorial jurisdiction; or (2) can be accurately and readily determined from sources
 whose accuracy cannot be questioned.” Fed. R. Evid. 201(b).

1 Dated: March 30, 2012

Respectfully submitted,

2 ORRICK, HERRINGTON & SUTCLIFFE LLP

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4 By: /s/ Michael C. Tu
5 Michael C. Tu

6 Attorneys for Defendant David Sambol
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